

## **Under what conditions may a Local Agency utilize In-house forces to provide Construction Engineering and Inspection (CEI) services on On-System and Off-System LAP projects?**

**Purpose:** To update the policy for Local Agency's utilizing In-house forces for the purpose of providing CEI functions (i.e. Inspection, Verification Testing, etc.) on both On-System and Off-System projects.

**Details:** Local Agency's may utilize In-house forces to accomplish CEI functions on both On-System and Off-System projects with prior approval of the Local Agency Program (LAP) Administrator and appropriate functional area experts. The LAP Administrator will coordinate with the appropriate functional area experts (i.e. District Construction Engineer, District Materials and Research Engineer, etc.) for approval prior to issuing such approval to the Local Agency. Those Local Agencies desiring to utilize In-house forces to accomplish CEI functions on both On-System and Off-System projects shall develop and submit a Quality Assurance (QA) Plan which outlines the Local Agencies means of assessing the performance of In-house staff assigned to the project for Department review and approval. The QA Plan should identify Materials Testing & Sampling requirements, Laboratory Qualifications, Field and Laboratory Test Result Tracking (data entry), Personnel Qualifications, Personnel Experience, Contractor Evaluation, etc.

In addition to providing the information above, the following specific requirements would need to be addressed by the QA Plan for On-System projects:

- Provide a list of employees along with experience and qualifications proposed to perform CEI services. This would require appropriate levels and numbers of Professional Engineering staff with construction management experience to perform the role of Senior Project Engineers and Project Administrators. Additionally, experienced, qualified staff would be required in appropriate numbers for the project inspection efforts and for contract compliance monitoring. Project staffing level guidance may be obtained from the State Construction Office website at:  
<http://www.dot.state.fl.us/Construction/DesignBuild/ConsultantCEI/ProjectStaffingHistory.xls>  
CEI employee experience and qualification guidance may be obtained from the State Construction Office website at:  
[http://www.dot.state.fl.us/Construction/DesignBuild/ConsultantCEI/CEI\\_ScopeOfServices.doc](http://www.dot.state.fl.us/Construction/DesignBuild/ConsultantCEI/CEI_ScopeOfServices.doc)
- Outline means to assess the performance of staff assigned to the project. This plan would need to specifically identify how the Local Agency ensures: that the

contractors have performed the proper sampling and testing and entered results; that staff have taken required sampling and testing and entered results; that staff have kept up with the progress payments to the contractor; that staff have documented as-built drawings and quantities to be used for final estimates to the contractor; that staff have regularly monitored the contractor's compliance with Equal Employment Opportunity (EEO) requirements; that staff have monitored contractor's wage rates for compliance with wage tables provided by the US Department of Labor; and that staff have monitored the subletting arrangements between the prime contractor and its subcontractors. Specific EEO and contract compliance requirements are found in the FDOT Contract Compliance Workbook at:

<http://www.dot.state.fl.us/equalopportunityoffice/ContractComplianceWorkbook.shtm>

- Outline the Local Agency's plan for: addressing claims analysis for any/all claims submitted by a contractor; preparing defense of the claims as CEI for the project; participating in Disputes Review Boards or other dispute resolution processes; participating in litigation in the event of lawsuits; and analyzing issues that may be deemed to be the liability of the Local Agency for damages to the Department.
- Outline the Local Agency's plan for addressing responsibility for any CEI errors made during the administration of these projects.

**References:** 23CFR637.207, 23CFR637.209, Local Agency Program Manual Chapter 23, FDOT Material Manual Section 5.2.

**Exceptions:** Local Agency's would be required to contract with FDOT Pre-qualified Consultants for the following projects:

- On-System Major Projects
- Off-System Critical Projects